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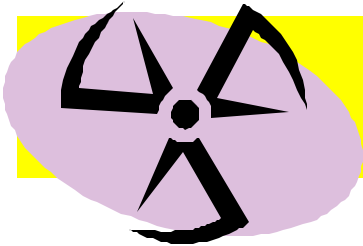
Website at
www.
mainerradiationcontrol
.org

In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §1981, 2000d et seq.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), the Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 et seq.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12131 et seq.), and Title IX of the Education Amendments of 1972, (34 C.F.R. Parts 100, 104, 106 and 110), the Maine Department of Human Services does not discriminate on the basis of sex, race, color, national origin, disability or age in admission or access to or treatment or employment in its programs and activities.

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capitalize the Perpetual Care and Maintenance Fund to finance perpetual care of the Envirocare facility and for its eventual closure.” The proposal also sought to increase the quality of monitoring of deposited radioactive waste, clarify the definitions of all radioactive waste, and prohibit the further licensing of radioactive waste disposal facilities in the state. The Radioactive Waste Restrictions Act promoted by the proposed initiative also contained ethical protections that further regulate the relationships between Utah Department of Environmental Quality employees, Radiation Control Board members and disposal operators. On August 26, the Utah Supreme Court issued a landmark ruling declaring part of the state’s citizen-initiative law unconstitutional and ordering that a ballot initiative that seeks, among other things, to impose

substantial taxes on the disposal of out-of-state low-level radioactive waste and to prohibit the disposal of Class B and C radioactive waste within the state (the Radioactive Waste Restrictions Act) be placed on the November ballot. The court’s 3 to 2 decision was based largely on the disparate impact of the citizen’s initiative law on votes cast by urban versus rural voters. It cited U.S. Supreme Court decisions from the civil rights era and from a recent presidential case in interpreting the one-person, one-vote principle. In explaining the decision, the justices wrote, “Because the people’s right to directly legislate through initiative and referenda is sacrosanct and a fundamental right, Utah courts must defend it against encroachment and maintain it inviolate.”



Radiation Newsletter

Department of Human Services
MAINE RADIATION
CONTROL PROGRAM

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Special points of interest:

- Low Level Radioactive Waste and Materials in Maine
- Decommissioning of Maine Yankee Atomic Power Plant
- Radioactive Waste Management
- High Level Radioactive Waste

The next ACORWD meeting is set for early 2003 , 10 am—12 at the State Office Bldg, Rm 209.

Radiation Control Program

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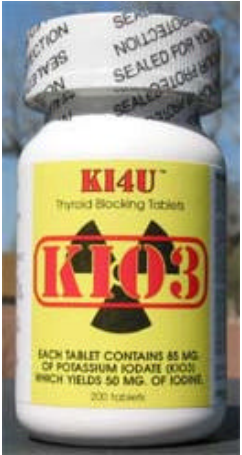
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ADVISORY COMMISSION ON RADIOACTIVE WASTE & DECOMMISSIONING NEWS

MAINE’S KI POLICY

**BUREAU OF HEALTH
MAINE DEPARTMENT OF HU-
MAN SERVICES
AUGUSTA, MAINE**

The Maine Bureau of Health (BoH) is not recommending that the Maine Emergency Management Agency (MEMA) maintain a state supply (stockpile) of Potassium Iodide (KI) for distribution to Maine citizens in the event of a terrorist attack or other unexpected nuclear event. With the closure and dismantling of Maine Yankee, there are no current sources in the State of Maine for radiologic accidents that would necessitate the use of KI on an emergency basis. There are two nearby nuclear plants (one in New Hampshire and one in New Brunswick). However, Maine people are not within a 10 mile radius of either of these plants, which is recommended for the use of KI. Furthermore any persons in New Hampshire or New Brunswick at the time of any incident at those plants would be evacuated by a pre-arranged route that would not include Maine. Other sources of nuclear terrorist actions, such as "Dirty Bombs" would not include material for which KI would be useful. We are not recommending that



*Two over the
counter products*

individual citizens in any part of Maine maintain a supply of KI for personal use for the same reasons. However, should individuals wish to disregard this advice and maintain a supply of KI, this medication is now available without a prescription. Dose recommendations can be obtained from your private physician.

Commission Members

Sen. Sharon Treat, Chair

Rep. Robert Daigle, Vice Chair

Rep. Peter L. Rines

Rep. William R. Savage

Sen. Norman Ferguson Jr

Sen. Tom Sawyer

Robert Demkowicz, DEP

Clough Toppan, PE, DHS

Dr. Robert Marvinney, State Geologist

Mike Meisner, Maine Yankee

Ron Ouelette, Public

Richard Carey, Public

Stephen Jarrett, Public

Jim Mitchell, Public

W. Donald Hudson, PhD, Chewonki Foundation

NRC asked to halt fuel-rod transfer

An activist group is asking the Nuclear Regulatory Commission to halt the planned transfer of Maine Yankee's spent fuel rods, saying that the agency did not consider the possibility of terrorist attacks when it approved the move.

Friends of the Coast Opposing Nuclear Pollution claims regulators are violating safety standards in the Atomic Energy Act by permitting spent nuclear fuel to be stored in airtight canisters in a facility on the site.

Margaret Mlynczak Stern, the attorney representing Friends of the Coast, wrote that the movement of spent fuel to the dry casks will result "in an immediate hazard to the health and safety of the public" because the NRC did not evaluate the possibility of terrorism.

Maine Yankee claims plant owners are working closely with the NRC, which has issued interim regulations for casks and is evaluating security at plants like Maine Yankee. Maine Yankee, which is in the process of being decommissioned, expects to begin moving the fuel rods later this summer, she said. The

rods are now kept in a pool in the reactor's containment building.

The stainless steel and concrete canisters will be stored on a concrete pad outdoors on the property. They were designed to be transported on trains to a yet-to-be-built federal repository for high-level radioactive waste. The Friends of the Coast's letter to the NRC suggests two possible alternatives to the current storage plan. One is to store the casks inside the empty reactor dome, which is made of 4-foot reinforced concrete and can be sealed to contain any radioactivity. The other is to store the casks at a military installation.

State Senator Sharon Treat, who heads Maine's Advisory Commission on Radioactive Waste and Decommissioning, has asked Maine's Attorney General to consider joining the Friends' petition effort or launching a similar legal action.

The request to halt the movement of nuclear waste at Maine Yankee until the threat of a terrorist attack can be fully analyzed has been denied by the Nuclear Regulatory Commission (NRC).

Maine Yankee Tour

On Monday, September 23, State of Maine Governor Angus King, and other officials including Attorney General Steven Rowe, Public Advocate Stephen Ward, and the Governor's Advisor on Nuclear Safety, Paula Craighead, were on

site to tour the ISFSI and various site areas outside of the industrial area. The officials met with MY management to discuss fuel loading and decommissioning work.

All meetings of the Advisory Commission are open to the public. The commission meets 4-6 times a year to discuss and review LLW and decommissioning issues. Meeting dates can be found at our website or call Tom Hillman at 207-287-8401 for the next meeting time or to be placed on the meeting notification list.

Utah State Supreme Court Agrees to Hear

On July 29, the Utah Supreme Court agreed to hear a lawsuit brought by supporters of a state ballot initiative that seeks, among other things, to impose substantial taxes on the disposal of out-of-state low-level radioactive waste and to prohibit the disposal of Class B and C radioactive waste within the state. The court agreed to hear the case, which is discretionary, in a 4 to 1 ruling.

The lawsuit seeks to overturn portions of a state law that require citizen support in 20 of Utah's 29 counties as unconstitutional because it gives rural counties a greater say than urban counties as to whether an issue can get on the ballot. In addition, the petitioners are asking the court to order the state's Lieutenant Governor to place the radioactive waste initiative on the November ballot. Supreme Court justices have given both sides until August 6 to submit additional written briefs on the constitutionality of certain provisions of the state initiative law.

State officials determined not to put the waste tax initiative on the ballot in early July because the requisite number of signatures from enough counties were not collected. Utah law requires that, for an initiative to make it on the ballot, supporters must procure in 20 of Utah's 29 counties the signatures of registered voters equal to at least 10 percent of the votes cast in the last gubernatorial election—in this case, approximately 77,000 signatures—by the May 31 deadline. Supporters of the waste tax initiative collected ap-

proximately 95,000 certified signatures, but were deemed to be short of the requisite number of signatures in six of the 20 counties needed to get the initiative on the ballot. In total, supporters were reported to be only 147 signatures short of meeting the state's legal requirements.

The Issues

The petition was filed before the state Supreme Court by initiative supporters John W. and Michael D. Gallivan, Linda Sue Dickey, lobbyist Frank Pignanelli and Utah Education Association officials Susan Kusiak and Phyllis Sorenson. It argues that "Utah's multi-county requirement discriminates against urban voters by making rural voters gatekeepers who can effectively keep initiatives off the ballot." The number of counties that must deliver the 10 percent signature threshold was increased by lawmakers from 15 to 20 in 1998.

In a landmark court case decades ago, the U.S. Supreme Court struck down provisions of a Utah law providing one senator for each of Utah's 29 counties. The Court found that the provision violated the one man, one vote guarantees of the U.S. Constitution because it gave sparsely populated rural counties a disproportionate power in the legislature. A similar argument is being made in the petition filed by initiative supporters in the state Supreme Court.

General Background

The initiative, which promotes draft legislation titled the "Radioactive Waste Restrictions

Act," was sponsored by Utahns for Radioactive Waste Control and others. Proponents claimed that it could generate as much as \$200 million annually—which monies would be earmarked for education, environmental regulation, economic development, and assistance to the impoverished and homeless. Envirocare of Utah strongly contested this claim, arguing that the claimed benefit is more than the company's total annual revenues and that such a tax could put Envirocare out of business. Kenneth Alkema, Vice President at Envirocare, argued that the tax is "unfair, exorbitant, arbitrary and capricious" and that the initiative is based on incorrect data about Envirocare's business and the radioactive waste disposal market.

Particulars

The initiative, as proposed, called for the imposition of a time-of-disposal tax—the amount of which tax would depend on the kind of low-level radioactive waste being disposed of in Utah—as well as a gross receipts tax of 15 percent on radioactive waste disposal facilities operating in the state. In addition, the initiative sought to prohibit Utah from licensing or siting a facility for the disposal of high-level radioactive waste, greater than Class C radioactive waste, or Class B or C low-level radioactive waste within the state. In addition to imposing new and additional taxes on the disposal of radioactive waste in Utah and prohibiting the disposal of certain types of waste, the proposed initiative also sought to "adequately